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3 **UNITED STATES DISTRICT COURT**  
4 **DISTRICT OF NEVADA**  
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6 STEVE MICHAEL COX,

7 Plaintiff,

8 v.

9 DWIGHT NEVEN, *et al.*,

10 Defendants.  
11

Case No. 2:11-CV-00103-KJD-NJK

**ORDER**

12 Before the Court are the Motion for District Judge to Reconsider Order on Motion to Compel  
13 (#68) and Motion for Enlargement of Time (#71) filed by Plaintiff Steve Michael Cox. Defendants  
14 Isidro Baca, Robert B. Bannister, Andres Benavidez, Amy Calderwood, Roland Daniels, Efrain  
15 Lona, Cole Morrow, Dwight Neven, and Russell Wright (collectively “Defendants”) have filed  
16 oppositions (## 72, 73).

17 **I. Background**

18 Defendants filed a Motion for Summary Judgment (#51) on August 15, 2012. On August 24,  
19 2012, Plaintiff sought additional time to respond to the Motion for Summary Judgment so that he  
20 could conduct additional discovery (#54). Plaintiff also sought legal supplies. Defendants opposed  
21 these requests (## 56, 57).

22 On August 31, 2012 Magistrate Judge Robert Johnston ordered that Plaintiff comply with  
23 Fed. Rule of Civ. P. 56(d) by setting for specified reasons why he could not oppose summary  
24 judgment without additional discovery (#58). Judge Johnston also ordered Plaintiff to outline the  
25 supplies that he needed. After subsequent briefing, two stipulated extensions, and a stipulation  
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1 foregoing paper service to alleviate the need for supplies, the matter came before Magistrate Judge  
2 Koppe, who had been assigned to the case.

3 On January 22, 2012, Judge Koppe granted in part Plaintiff's motion to compel (#67).  
4 Defendants complied with the Order on January 30 and February 5. Plaintiff filed this Motion  
5 objecting to Judge Koppe's order.<sup>1</sup> Plaintiff also filed a motion for enlargement of time to complete  
6 discovery or alternatively to compel discovery.

## 7 II. Discussion

### 8 A. Motion for Reconsideration of Magistrate Judge's Order

9 Under 28 U.S.C. 636(b)(1), the Court will reconsider a magistrate judge's order that is clearly  
10 erroneous or contrary to law. See also Fed R. Civ. P. 72(a)(2-3).

11 The Court has reviewed Judge Koppe's Order and finds that it is correct. Specifically, Judge  
12 Koppe determined that Plaintiff failed to comply with Fed. R. Civ. P. 56(d), despite Judge Johnston's  
13 clear instructions. Judge Koppe also noted that Defendants conceded relevance to certain  
14 interrogatories and were willing to provide answers. Judge Koppe directed Defendants to provide  
15 this discovery and Defendants have now complied with Judge Koppe's order.

16 Plaintiff also contends that Judge Koppe failed to address his motion seeking supplies.  
17 Plaintiff's request was embedded in his motion for additional discovery (#59). The Court has  
18 reviewed the request and finds that it lacks merit for the same reason that his previous request for  
19 supplies was denied by Judge Johnston. See Dkt. #32. Specifically, Plaintiff has failed to meet his  
20 burden to demonstrate that he has been denied necessary supplies and that he would suffer actual  
21 injury due to the denial of these supplies. Further, Plaintiff has not explained why Defendants'  
22 stipulation to forego service of future documents does not resolve the issue.

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25 <sup>1</sup> This is not the first time Plaintiff has sought reconsideration of a magistrate judge's order in this case. See  
26 Dkt. #34. Plaintiff is warned that he is not entitled to request reconsideration of every order of the magistrate judge that  
does not favor him. The Court will not tolerate future requests for reconsideration that lack merit.

1        B. Motion for Enlargement of Time

2        Plaintiff's Motion for Enlargement of time is moot because Defendants have complied with  
3 Judge Koppe's ruling. To the extent Plaintiff seeks more discovery than Judge Koppe ordered, his  
4 motion is denied as duplicative of previous motions.

5        As a final note, Plaintiff's pattern of delay and filing frivolous motions has prevented timely  
6 resolution of the Motion for Summary Judgment, which has been pending since August. Defendants  
7 have requested a protective order preventing additional discovery requests and seek fees relating to  
8 opposing this motion. Because Plaintiff is a pro se party, the Court will not issue a protective order  
9 or sanctions. However, Plaintiff is ordered to respond to the Motion for Summary Judgment on or  
10 before March 14, 2013. If Plaintiff fails to respond, the Court will grant Defendants' Motion  
11 pursuant to Local Rule 7-2. Plaintiff may not seek any enlargement of time to respond to the Motion.  
12 Defendants are ordered to file their reply on or before March 25, 2013.

13        III. Conclusion

14        **IT IS HEREBY ORDERED** that Plaintiff's Motion for District Judge to Reconsider Order  
15 on Motion to Compel (#68) is **DENIED**.

16        **IT IS FURTHER ORDERED** that Plaintiff's Motion for Enlargement of Time (#71) is  
17 **DENIED**.

18        **IT IS FURTHER ORDERED** that Plaintiff is ordered to respond to the Motion for  
19 Summary Judgment (#51) on or before March 14, 2013 and that Defendants file their reply on or  
20 before March 25, 2013.

21        DATED this 1st day of March 2013.

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25        Kent J. Dawson  
26        United States District Judge